

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**3:06CV84-3-V  
(3:03cr16-02-V)**

**KEVIN DESHAWN BARLOW,**                     )  
   )  
      **Petitioner,**                                 )  
   )  
              **v.**   )  
   )  
**UNITED STATES OF AMERICA,**             )  
   )  
      **Respondent.**                                 )  
\_\_\_\_\_

**ORDER**

**THIS MATTER** is before this Court on the Petitioner’s “Motion to Compel and Motion for Extension of Time”, (Document No. 12), filed on May 30, 2006.

By Order filed May 3, 2006 (Document No. 10), this Court directed the Petitioner to respond to the Respondent’s Motion for Summary Judgment within thirty (30) days. In this instant motion, Petitioner asks for additional time within which to respond to Respondent’s Motion for Summary Judgment as he was never served with a copy of the Government’s Motion for Summary Judgment. Petitioner also asks this Court to compel the Government to serve him with a copy of its Motion for Summary Judgment. On June 1, 2006 the Government filed a “Notice of Service” in which the Government asserts that it send Petitioner a copy of the Motion for Summary Judgment by first-class mail on April 26, 2006. Additionally, the Government contends that Petitioner was re-served with a copy of the Motion for Summary Judgment by certified mail, return receipt requested on June 1, 2006.

Given that the Government has re-served the Petitioner with a copy of the Motion for Summary Judgment, the Court will deny the Motion to Compel as moot. The Motion for an extension of time is granted. Petitioner shall file a response to Respondent's Motion for Summary Judgment on or before July 5, 2006.

**THEREFORE, IT IS HEREBY ORDERED** (1) that Petitioners' Motion to Compel (Document No. 12) is **DENIED as moot**; (2) that Petitioner's Motion for an Extension of Time (Document No.12) is **GRANTED**; (2) that the Petitioner shall file a response to Respondent's Motion for Summary Judgment on or before July 5, 2006.

**SO ORDERED**

Signed: June 7, 2006

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees  
United States District Judge

